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Dear Readers:

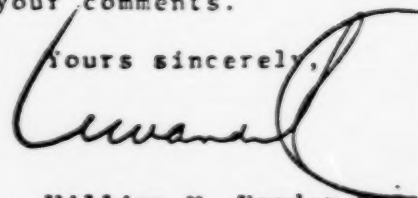
The Deregulation Discussion Paper is one of two major initiatives of the Ministry of Education that are intended to improve British Columbia's system of school governance. The other project is the School Act Discussion Paper. During his term as Minister of Education, the Honourable Brian Smith started revising the School Act which had not had a major overhaul since 1958. The School Act defines in statute the duties, responsibilities, and privileges of students, teachers, school trustees, parents, the Minister of Education and the Provincial Cabinet. Once issued, the School Act Discussion Paper will be the focus of a lengthy public consultation process. A few matters, such as the teacher compensation determination process may be considered for legislation later this year, but the bulk of the topics covered in the Discussion Paper will not be considered for legislation until next year. Legislative proposals submitted to Cabinet will be based on the Discussion Paper and the written and oral comments about them. The span of time between issuance of the Discussion Paper and implementation of legislation will be quite long.

One of the goals of the School Act Discussion Paper is to clarify the role of school boards as the day-to-day managers of the school system and remove the Province, wherever possible, from this area. I decided that the Ministry of Education could help to realize this goal almost immediately by dropping the Provincial restrictions that exist, through regulations, i.e. Cabinet adopted orders-in-council and through Ministry policies adopted under the authority of the School Act. School boards would decide whether or not they wish to replace the previous Ministry regulations and policies with their own. This initiative is the subject of the Deregulation Discussion Paper. I am seeking comments about the proposals described in this Discussion Paper. Where there appears to be a consensus amongst the interested parties then action quickly can be taken on any proposal. The length of time in which the proposals are implemented is dependent on the quickness in response of the interested parties.

Others may perceive problems that I have not if some of the restrictions are dropped and this possibility is in part one of the reasons for the Discussion Paper. As well, the paper is meant to stimulate questions about all aspects of the relationship between the Ministry of Education and school boards. Perhaps policies or regulations have been overlooked for elimination which should not have been; if you can identify them, please tell me about them.

I look forward to hearing and/or receiving your comments.

Yours sincerely,



William N. Vander Zant
Minister

DEREGULATION DISCUSSION PAPER

PART ONE - INTRODUCTION

Subject of this Paper.

This paper is considered to be complementary to the proposed School Act Discussion Paper. It concerns itself with the allocation of governance responsibilities between the school boards and the Provincial Government.

Section 93 of the Constitution Act (1867) says:

"In and for each Province, the Legislature may
exclusively make Laws in relation to Education
."

Customarily, the Province has delegated certain of the powers needed to meet its constitutional responsibility to local school boards. These have generally been associated with the day-to-day management of the system. Those powers which have been considered 'provincial' in nature have remained with the Province.

This principle has been accepted as sound in practice but its application has left something to be desired. Responsibilities have overlapped and there have been grey areas in which final responsibilities are unclear. One reason for this situation is that an important Provincial Government goal has been to try to ensure equality of educational opportunity in each district in the Province. This goal does not have to be abandoned or compromised in order to clarify responsibilities.

The exercise of power either by the school boards or by the Province is governed by statutes, orders-in-council, ministry policies, ministerial orders, and even court decisions. This Discussion Paper sets out proposals for change to existing orders-in-council (i.e. regulations), ministerial orders and ministry policies.

The general intent of the proposal is to hand over authority from the Province to school boards for a range of management responsibilities.

The problem of relating duties and responsibilities to jurisdictions has always been with us and always will be. In the second paragraph, the delineation of local and Provincial interest was mentioned. It is not an easy task. Interests are not physical things but beliefs which are subject to change for various reasons.

Differences in School Districts.

The first fact to note is that there are seventy-five local agencies governing the public school system and that all of them are facing different local circumstances. What the optimal size school district should be is presently being considered by the School District Administration Commission.

This paper, however, is written from the point of view of what we have now, with local flexibility being the key to the issues which will be raised.

Delegating the same management responsibilities to all school districts has its hazards. There is a variety of expertise between districts which is often simply a function of size. The practice has been to ignore the fact that school districts have different management capabilities in order to avoid the patchwork solutions which would need to be developed in order to address this problem.

An alternative approach may be to allow school boards to decide just how much management responsibility they wish to assume and allow local voters to decide if their board has made the right decision. This is not the usual approach. All Provinces have similar powers. Municipalities in B.C. are differentiated on the basis of size through statute, but not to a noticeable extent except in the case of the City of Vancouver.

Under the present statutes, this differential approach could be partially implemented. For example, through a Ministerial order, which has legal effect, the Provincial Government could regulate in a certain area for one or more school districts or delegate some of its authority to one or more school districts. As well, it is our belief that school districts can contract with each other in all areas except instruction for either the sharing or direct provision of services. In the School Act Discussion Paper, provisions will be suggested which would give school boards complete flexibility in this regard. Other statutes would also need to be amended to facilitate these proposals.

School boards can realize important economies of scale and obtain greater managerial effectiveness through the use of these voluntary arrangements.

Local Flexibility

Flexibility is the key to any organization discovering its right size or its right relationship with another organization or even delivering the best service.

Any educational governance should be predicated upon ensuring a sound educational opportunity for young British Columbians. Clearly, the excessive regulation of school boards can reduce flexibility and, therefore, their ability to provide the best possible educational services. The proposals in this Discussion paper and in the School Act Revision Discussion Paper are designed to ensure that individual school boards have more flexibility to respond to the specific needs of the communities they represent than is the case today.

Need For Information

The judges of the efforts of the school boards will be the local electors. To make satisfactory judgements requires information. To make sure that information is available, two major initiatives are planned. The Ministry of Education is developing a new budget system. Under the present system, only the total school district program

is reported upon. Under the new system, costs will be broken down much more specifically. For example, it will be possible to obtain costs for the parts of a program such as industrial education. This system will be pilot tested in several school districts this fall.

The second initiative will be dealt with in the School Act Discussion Paper. It will be proposed that all information generated by school boards will be public property with a few exceptions such as Personnel and Pupil records. Boards would be allowed to charge a fee to cover the cost of providing the information requested.

School Based Management.

School districts can become difficult to manage because of their large student population or because of sheer geographical size. One way to overcome this problem is through a system of school based management. The elements, principals, and their staffs and interested parents, are in place. Boards can, at this moment, through the adoption of a policy on the issue, institute such a system now. The Edmonton school system has used a version of the idea for many years. In British Columbia, several school districts are considering it.

In the School Act Revision Discussion Paper, a statutory framework for school based management will be provided. It is proposed that implementation would be voluntary for school boards. The principal advantage of a statutory framework over a policy initiative is that the principal, staff and parent group would have a degree of legal independence to develop a certain character in their school.

When, however, is school based management appropriate? Previously it was mentioned that access to good and accurate information is needed for voters to assess the work of the school board or school. Information that indicates whether or not a school is meeting the objectives of the parents or the staff could determine whether or not school based management should be considered. Parents, therefore, would need to come together to decide what they want their school to be before such a system could be considered.

School based management is not a new concept. In fact, it is probably the oldest form of educational management.

Decentralization

The main initiative for consideration is towards greater decentralization. The Provincial Government would still retain its important role but it would be a more focussed one. School boards would be given greater autonomy and schools themselves would have the potential to gain a measure of autonomy which has heretofore not been available.

'Autonomous', however, does not mean 'independent'. The school boards and the schools would still remain part of the educational community which

includes the Ministry of Education. Any decentralized system still needs some central direction and common performance measures. The element of central direction is needed not only because the Province has the constitutional authority for education but also for practical operating reasons. The Provincial Government will perform these functions as only it can act in the provincial interest, only it can consider the educational system as a whole, and only it is accountable on a province-wide basis.

The actual, eventual split of responsibilities in a decentralized structure will probably not be to everyone's liking. Responsibilities are being allocated to the Province and the school districts after careful consideration of the potential ability of each level, of the accountability of each level to the taxpayer and of the nature of each responsibility. School boards would go through a similar decision-making process when they decide whether or not to use school based management or share responsibilities in some other way.

This discussion paper is being issued partly to find out the degree of consensus on the allocation of responsibilities. A consensus does not necessarily mean that the proposals have to be liked by everyone, but it does mean that most accept what is being proposed.

Voters' Interest.

It must be reiterated that the key to the new proposals will be voter interest. Without it, school boards will not be able to reflect the community will. The check on some activities formerly provided by the Province, will not exist under the new system.

The media will need to disseminate school board information better than it does now and the public will need to take a greater interest in school board affairs. Responsibility is being considered for transfer to the school boards and the public. This proposed transference may not be difficult, but it is new. A gap between familiarity with the old and familiarity with the new is to be expected and should be taken into account.

Finances.

The Education Finance (Interim) Act is due to expire on December 31, 1984. This legislation was adopted as an interim measure to address the shortcomings of the 'old' financial system and to implement the Provincial restraint program. The proposed replacement for this legislation will be included in the School Act Discussion Paper. The concepts of the Deregulation Discussion Paper will be reflected in the School Act Discussion Paper and especially its finance section.

POSTSCRIPT

The proposed changes are not radical. They were developed from a few simple principles. The flexibility of the system would allow the Province and Boards to quickly adjust to any unforeseen difficulties.

PART TWO - REGULATIONS

This Part is concerned with the transference of powers already contained in the School Act and in the regulations and orders. It is a transference of powers which exist.

A. Present Regulations

a. Personnel Management

There are sixteen regulations which deal with the management of personnel by school boards. A repeal of these regulations would leave school districts free either to follow the practices which have been set up as a result of these regulations, or to develop a personnel policy locally designed to achieve the maximum managerial and supervisory effectiveness.

The regulations in question are:

Reg. 1 - Appointment of Superintendents This regulation specifies that to be eligible for appointment as a superintendent, a person must have, or be entitled to, a B.C. Professional Teaching Certificate, have seven years of teaching experience, three years of educational administration, and six years of university training.

This ensures that what is probably the most important post in the school district is held by an 'educator'. It may be, however, that a particular district needs a range of abilities which call for more than experience in education.

A repeal of this regulation would allow districts to be as specific as they wish in selecting the range of abilities that that district requires in its superintendent.

Reg. 29 - Principal Responsible for Textbooks It is suggested that the district may wish to decide how textbooks and all other resources will be accounted for.

Reg. 40 - Authority of the Vice-Principal In the absence of the principal, the vice-principal will have the powers and duties of the principal. The school board may wish to set its own job description for vice-principals.

Reg. 41 - Definition of Supervisory Personnel

Reg. 42 - Number of Supervisory Personnel Allowed

Reg. 43 - Direction of Supervisory Personnel

Reg. 44 - Qualifications of Supervisory Personnel

Reg. 45 - Ministry Approval of Supervisory Positions

Reg. 46 - Ministry Approval of Supervisory Persons

No doubt there are good historical reasons why these regulations were developed. The six regulations specify which positions can be defined as supervisory, how many such positions a district is entitled to, who directs their activities, the qualifications required for the positions, and finally the Ministry must approve both the positions and the persons who occupy them.

A second set of regulations is closely allied to these six. They are:

Reg. 47 - Duties of the Director of Instruction

Reg. 50 - Supervisor to help Teachers improve Instruction

Reg. 52 - Teacher Consultant to help Teachers improve Instruction

Reg. 54 - Terms of Teacher Consultant

Reg. 55 - Other School District Personnel

Reg. 56 - Head Teacher and Principal Relationship

Reg. 91 - Duties of a Principal

These too can be repealed. .

The repeal of all 16 would leave the school boards free to set their own personnel practices in key management areas.

b. School Calendar

Section 15 (c) of the School Act provides the Lieutenant-Governor in Council, i.e., Cabinet, with the power to make regulations which determine:

- dates of commencement and expiration of school terms.
- the days of the week during the school term that shall be school days.
- which days shall be holidays.
- the hours during which tuition and instruction shall be given.
- the maximum hours in each school day that teachers will be required to teach.
- the hours during which, on school days, pupils are required to be in attendance.

This power of the Lieutenant-Governor in Council has been translated in a number of regulations which together make up the school calendar. Each district in the Province, no matter what the climatic conditions are, follows the same calendar as all other districts.

It is possible that some or all of the following regulations could be repealed. Instead of a calendar as such there could be a minimum requirement that at least 935 hours of instruction be offered each school year. This would leave school boards free to set the calendar to suit their own district.

The regulations in question are:

Reg. 16 - provides for a calendar to be issued which sets dates and length of school terms, holidays, and the number of days in a school year.

Reg. 18 - specifies that schools will be closed only for health reasons or because of inclement weather.

Reg. 19 - sets the hours in a school day and week for elementary schools.

Reg. 20 - provides for the early dismissal of grades 1 and 2.

Reg. 21 - sets the hours in a school day and week for secondary schools.

Reg. 22 - sets the time of commencement for elementary schools.

Reg. 23 - sets the time of commencement for secondary schools.

A calendar could be set, as it is now, for all school districts but there could be freedom for individual school districts, in close consultation with parents, to vary that calendar to meet the specific needs of the particular school district. Allowing the school calendar to be set at the local level has definite implications for inter-provincial mobility so full consultation on the matter will occur before a final decision is made.

c. Discipline

Section 114 of the School Act states every pupil shall observe the rules of the school as sanctioned by the board of the school district having jurisdiction in the respect of that school...

Reg. 36 extends section 114 and it states every pupil shall be subject to the code of conduct established for the school while on the school premises, in going to and returning from school, and at all games and functions whenever and wherever held.

Reg. 14 puts certain restrictions on initiatives carried out under the authority of Section 114 and Reg. 36. It states:

- (1) The discipline in every school shall be similar to that of a kind, firm, and judicious parent, but shall not include corporal punishment.
- (2) No teacher shall administer corporal punishment to any pupil.

Reg. 38 restricts suspensions to two situations:

- (1) a pupil is wilfully disobedient to a teacher or any other employee of the board.
- (2) the behaviour of the pupil has a harmful effect on the character or persons of other pupils.

It is recommended that the prohibition against corporal punishment be retained but that boards otherwise not have their disciplinary powers fettered. Regulation 38 would be redrafted to state that a student can be suspended for a contravention of school rules that have been sanctioned by its board.

A very real concern of British Columbians is the level of discipline in our schools. Most educators have been coping with behavioural problems as best they can. Teachers cannot be expected to become surrogate parents. We cannot ask them to provide the instruction in civilized behaviour and invoke disciplinary measures that are truly the responsibilities of parents. A child who is allowed to 'run wild' when out of school cannot be expected to willingly abide by school rules and accept discipline from school authorities.

The proposed changes will allow discipline and rules to be set at the local level but the initiative cannot be expected to result in a marked change in the behaviour of unruly students. Parental attitudes have the greatest impact on child behaviour and there is no effective substitute for them nor can they be legislated.

d. Teacher Responsibilities

Regulations 83 through 91 set the responsibilities of teachers.

Reg. 83 - Duties of Teachers

Reg. 84 - Teacher Absenteeism

Reg. 85 - Teacher Attendance in Classroom or on School Premises

Reg. 86 - Requirement to be on duty for Special Purposes

Reg. 87 - Teacher Attendance at Meetings

Reg. 88 - Classification of Pupils

Reg. 89 - Preparation of Progress Reports (on pupils)

Reg. 90 - Prescribed Hours of Instruction

It is proposed that regulation 83 be retained until it can be incorporated into the School Act. It sets out the general classroom responsibilities. The Province should regulate this area as it has a direct relationship to the education offered to all young British Columbians. The other regulations are more closely related to the day-to-day management of our schools. They should be replaced by a general regulation which allows a board to adopt its own policy in this area. Since these regulations are of particular interest to teachers, their comments about the proposed changes will be given special attention.

e. The Establishment and Closure of Schools

There are 3 regulations which are related to the establishment and closure of schools. The public may want the Province to stay involved in this area although it is recommended that the Province not be involved. Through the capital approvals process, the Province can determine whether a school should be built or not. Once operating, the school's future should be locally determined. The public may want the Province to continue to act as an independent arbitrator since an establishment or closure affects only a small minority of a district's residents.

Reg. 2 - gives the Minister the authority to require the establishment of a school.

Reg. 4 & 6 - gives the Minister the authority to overturn a board's decision to close a school.

f. Adult Education

There are eight regulations which control Adult Education. They appear to have been written when 'night school' was largely for hobbyists or of general interest. They do not recognize the growing need in some districts to meet retraining needs, to deal with the growth of technologies associated with the chip, or to enter this field in a more serious way.

If there is to be renewed and different approaches to adult education, it is clear that the present regulations will not stimulate and facilitate such initiatives. Clearing these regulations out of the way is regarded as a first step in giving to each school board the opportunity, if it wishes to take it, to meet adults' needs in its community in association with colleges, the Knowledge Network, and the Open Learning Institute.

The regulations are:

Reg. 119 - requires that adult education classes be approved by the Ministry.

Reg. 121 - sets out the qualifications of teachers in adult education programs.

Reg. 122 - specifies who may enrol.

Reg. 125 - requires a register of students.

Reg. 120 - approval of board required before application for grants.

Reg. 123 - adult education programs to conform to regulations.

g. Summer Schools

Just as there are school boards which do not and possibly will not have a need for a vigorous adult education program, so there are school districts which do not have a pressing need for summer schools. On the other hand, some districts have traditionally conducted impressive summer schools. Deregulation here, then, is to allow those who wish to continue to provide summer schools to do so with more freedom.

If section 158 (b) and the following regulations are repealed, school districts will be free to develop the kind of summer school they wish and to charge some fees if this is also wished.

The regulations are:

Reg. 127 - summer schools must be conducted according to the regulations.

Reg. 128 - outlines the conditions under which the school must be conducted.

Reg. 129 - sets out the admission criteria.

Reg. 130 - specifies which expenses will be recognized.

Reg. 131 - notes which expenses can be offset by fees.

Reg. 132 - asks for certification of numbers enrolled.

Reg. 133 - indicates how numbers are to be calculated.

Reg. 134 - ensures that boards monitor the quality of summer schools.

Reg. 135 - directs that information be supplied to Ministry on request.

h. Conveyance

In the past, there has been a regulation of conveyance. With the change in the method of financing and the allocation of a level of service for conveyance in the operating budget, these regulations are no longer necessary. At the same time, it frees districts to develop a conveyance policy which is tailored to fit the district.

The regulations are:

Reg. 143 - conveyance arrangements require approval.

Reg. 144 - transportation assistance only available to summer schools.

Reg. 145 - calculation of cost of conveyance.

Reg. 148 - Ministry requires reports on conveyance.

1. Schools for the Mentally Retarded

Regulations 108 to 116 were set up when a number of schools were conducted by the B.C. Association for the Mentally Retarded. Now there is only one such school with seven pupils. The remainder have been integrated into the regular school system. Most, if not all of these, could be repealed.

The regulations are:

Reg. 108 - Payment of monies by board in aid of the costs of the education and training of mentally retarded children

Reg. 109 - Composition of screening committees

Reg. 110 - Authorization of payment to the B.C.A.M.R.

Reg. 111 - Scheduling of payments to the Association

Reg. 112 - Appointment of Education Committee

Reg. 113 - Duties of the Education Committee

Reg. 114 - Duties of the Head Instructor

Reg. 115 - Duration of a school day and year

Reg. 116 - Requirements of a Chapter conducting a school

j. Kindergarten Regulations

When the kindergarten program was introduced into the public school system several years ago, it appeared necessary to have regulations to guide the implementation of the new system. Most of these are no longer needed and their removal would leave school boards free to develop their own policies. There must be kindergarten but how best to run it should be a local set of decisions.

The regulations which would be repealed are:

Reg. 101 - Minimum pupil enrolment required for establishment

Reg. 102 - Closure of kindergartens

Reg. 103 - Enrolment of kindergarten pupils in elementary class

Reg. 104 - Duration of kindergarten class

Reg. 105 - Requirement of kindergarten class where there is a lack of accommodation

Reg. 106 - Requirements of kindergarten class where travel time is excessive

Reg. 107 - Transportation assistance to kindergarten pupils

PART THREE - ADMINISTRATIVE HANDBOOK

The Administrative Handbook for Elementary and Secondary Schools is a very valuable resource for teachers and administrators. It was developed by educators from the public schools and the Ministry. In the Handbook's 200 plus pages, there is a wide range of topics from curriculum organization to the role of the principal to staff selection. Its contents are based on the School Act, its regulations, Ministry policies and the philosophical approach to school administration developed by its authors.

Many of the matters discussed in the Handbook are simply Ministry expectations, as stated in its foreword, rather than matters which have some legal meaning. A few of these expectations are written as directives, but for the most part the expectations are led into by a 'should' or 'it is desirable'.

Boards must abide by only those directives which have some legal basis. The remainder should only be considered as Ministry expectations or philosophy and can be readily replaced by local directives or philosophies. I endorse the approach to educational administration used in the Handbook but, I do not feel that boards must blindly endorse it.

The last edition of the Handbook was issued in September, 1982. As parts of it are revised, even more care than was taken in the past will be taken in the writing of whether or not a matter is to be considered a legal directive or a statement of belief, philosophy or approach.

k. Miscellaneous Regulations

These tend to be single regulations or small groups of regulations which may have been needed in the past but are not needed now.

They are:

Reg. 3 and 5 - Status of Schools

Requires ministerial permission for an elementary school to be transformed into a secondary school and vice versa.

Reg. 7 - Designation of several school buildings as one school

Reg. 11 - Enrolment of a School District

This defines that a school district shall not be less than 250 pupils and that the enrolment shall include all pupils with kindergarten pupils counting as one half.

Reg. 12 - Fire Drills

Requires that Fire drills must be explained and held.

Reg. 13 - Meetings of Principal and Teachers

Specifies that the principal will meet with the teachers on a minimum number of occasions and that records shall be kept of the meetings.

Reg. 15 - Homework Assignments

Directs how much homework should be given and to whom

Reg. 24 - Duration of noon intermission

Reg. 34 - Pupil to provide written excuse for absence

Reg. 37 - Pupil to attend classes with prescribed textbooks

Reg. 117 - Community Use of School Buses

sets out rules for the making available of school buses for non-school activities

Reg. 150 - Grants for Vocational and Industrial Training Facilities

Reg. 151 - Grants payable on Submission of Statements

Reg. 155 - Determination of Instructional Units

Most of the regulations which have been retained are in the area of the teacher-board employment relationship. This area will be covered in the School Act Discussion Paper and if its proposals are legislated, the regulations can then be dropped.

The correspondence education, teacher certification and core curriculum regulations have been retained as, to a great extent, they determine the educational opportunity made available to the young people of British Columbia.

PART FOUR - MINISTRY POLICIES

The Ministry issues policy pronouncements on various subjects and through various methods. The just mentioned Administrative Handbook is one vehicle.

Another method is through oral statements about a particular endeavour of a school district. It is impossible to trace these policies. Ministry spokesmen will continue to make oral statements of policy but care will be taken that the matter is a provincial responsibility. If there is some concern about a Ministry statement then boards should not be reluctant to express it. From time to time, the Ministry issues circulars on various topics. An example of a circular that fits the new framework is 78-11-15 which informed boards not to place a gender restriction on entry to industrial education and home economics courses. An example of a circular which is not consistent with the new framework is 78-08-93 which states that it is the responsibility of the principal to see that all teachers are supplied with current curriculum guides and teacher resource books. Another example of a circular that fits the new framework is 79-03-82 which states that the Ministry of Education expects that all pupils will have an opportunity to participate in one or more fields of the Arts. Another example of a circular that does not fit the new framework is 79-10-101 which is concerned with the questioning of pupils by police officers on school property.

Within the Ministry, all written policies are being collected and reviewed to determine whether or not the policy should be determined at the local or provincial level. As with the regulations the decision-making criteria will be the nature, local or provincial, of the responsibility, and the potential ability of each level to carry out and be accountable for the responsibility. A few examples have been given. Perhaps you, the readers, have some circulars in mind which should be reviewed.